

ORDINANCE NO. 415

AN ORDINANCE AMENDING CHAPTER 6, BUILDINGS AND STRUCTURES, OF THE BRYAN CITY CODE OF 1975, BY ADDING ARTICLE IX, HISTORICAL PRESERVATION; PROVIDING DEFINITIONS; PROVIDING FOR DESIGNATION OF HISTORIC LANDMARKS; PROVIDING FOR CREATION AND FUNCTIONS OF HISTORIC LANDMARK COMMISSION; PROVIDING PROCEDURE FOR ALTERATIONS, CHANGES, DEMOLITION OR REMOVAL OF HISTORIC LANDMARK;; PROVIDING FOR APPELLATE PROCEDURES; PROVIDING FOR ESTABLISHMENT OF HISTORIC DISTRICTS; PROVIDING PROCEDURE FOR APPLICATIONS FOR DISTRICTS AND CRITERIA FOR EVALUATING DISTRICTS; PROVIDING FOR A DISTRICT PRESERVATION PLAN; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF BRYAN:

1.

That Chapter 6, Buildings and Structures, of the Bryan City Code of 1975, is hereby amended by adding Article IX, Historical Preservation, to read as follows:

ARTICLE IX. HISTORICAL PRESERVATION

DIVISION I. HISTORIC LANDMARK

Sec. 6-120. Declaration of Policy.

The City Council hereby finds and declares as a matter of public policy that the protection, enhancement, preservation and use of historic landmarks is a public necessity and is required in the interest of the culture, prosperity, education and general welfare of the people. The purposes of this article are:

(a) To protect, enhance and perpetuate historic landmarks which represent or reflect distinctive and important elements of the City's and State's architectural, cultural, social, economic, ethnic and political history and to develop appropriate settings for such places.

(b) To safeguard the City's historic and cultural heritage, as embodied and reflected in such historic landmarks by appropriate regulations.

(c) To stabilize and improve property values in such locations.

(d) To foster civic pride in the beauty and accomplishments of the past.

(e) To protect and enhance the City's attractions to tourists and visitors and provide incidental support and stimulus to business and industry.

(f) To strengthen the economy of the City.

(g) To promote the use of historic landmarks for the culture, prosperity, education and general welfare of the people of the City and visitors to the City.

Sec. 6-121. Historic Landmark - Definition.

As used in this article, the term "historic landmark" shall mean any building, structure, site, district, area, or land of architectural, historical or cultural importance or value, which the City Council determines shall be protected, enhanced, and preserved in the interest of the culture, prosperity, education and general welfare of the people.

Sec. 6-122. Historic Landmarks - Designation.

The City Council may designate buildings, structures, sites, districts, areas and lands in the City as historic landmarks and define, amend and delineate the boundaries thereof. Such designation shall be in addition to any other use designation established by the City Council. An historic landmark map shall be maintained in the office of the Director of Planning. The map shall reflect the designation of an historic landmark or district. A copy of the map shall be immediately forwarded to the Building Official's Office.

Sec. 6-123. Same - Criteria to be Used in Designations.

In making such designations as set forth in Section 6-122, the City Council shall consider, but shall not be limited to, one or more of the following criteria:

- (a) Character, interest or value as part of the development, heritage or cultural characteristics of the City of Bryan, State of Texas or the United States of America.
- (b) Recognition as a recorded Texas historic landmark, a national historic landmark, or entered into the National Register of Historic Places.
- (c) Embodiment of distinguishing characteristics of an architectural type or specimen.
- (d) Identification as the work of an architect or master builder whose individual work has influenced the development of the City.
- (e) Embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation.
- (f) Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on architectural, historic or cultural motif.
- (g) Portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural style.
- (h) Exemplification of the cultural, economic, social, ethnic or historical heritage of the City, State, or nation.
- (i) Location as the site of a significant historical event.
- (j) Identification with a person or persons who significantly contributed to the culture and development of the City, State or nation.
- (k) Value as an aspect of community sentiment or public pride.

Sec. 6-124. Historic Landmark Commission - Created.

A. There is hereby created a commission to be known as the Historic Landmark Commission of the City of Bryan, hereinafter called the "Landmark Commission," composed of a minimum of seven (7) members appointed by the City Council within sixty (60) days from the effective date of this article. The Landmark Commission shall be composed of the following members:

- (1) A member of the County Historical Commission.
- (2) A member of the Citizens for Historic Preservation.
- (3) Three members at large, not to be from a designated group already represented at the time of their initial appointment.
- (4) A member of the local chapter of the American Institute of Architects.
- (5) A resident of each historic district created by this or any subsequent ordinance.
- (6) The City Planner or his representative (ex-officio, non-voting).

All members shall be residents of the City of Bryan and should have knowledge and experience in the architectural, cultural, social, economic, ethnic or political history of Bryan. No one business or professional interest shall constitute a majority membership of the Commission.

B. The normal term of members of the Commission shall be three (3) years; however, half of the initial members shall serve two-year terms, the other half, three-year terms. The respective two and three year terms shall be determined by the drawing of lots. Vacancies in an unexpired term shall be filled by the City Council for the remainder of the term.

C. The City Council or the Landmark Commission itself may draw on the knowledge, experience and expertise of any person in the community by appointing such person to the Landmark Commission as a special advisor without voting privileges.

D. The Landmark Commission shall meet at least every other month, with additional meetings upon call by the presiding officer of the Commission or upon petition of a simple majority of the Commission members. A majority of appointed members present shall constitute a quorum, and issues shall be decided by a simple majority vote of the members present and voting. The Commission shall adopt appropriate rules and regulations for the conduct of its business and the election of its presiding officer and other officers as prescribed by City Charter and Code. The minutes of each meeting shall be filed in the office of the City Secretary.

E. If a vacancy exists in the membership of the Landmark Commission the City Council shall promptly fill it.

Sec. 6-125. Function of Historic Landmark Commission.

A. The Landmark Commission shall thoroughly familiarize itself with buildings, structures, sites, districts, areas and lands within the City which may be eligible for designation as historic landmarks and shall prepare an historic landmark preservation plan, hereinafter referred to as the "preservation plan" which shall:

- (1) Establish criteria to be used in determining whether certain buildings, structures, sites, districts, areas, lands and other objects should be designated as historic landmarks.
- (2) Establish guidelines to be used in determination of whether to grant or deny certificates of appropriateness and certificates of demolition or removal.
- (3) Formulate suggestions for private and public action which may state the role of various City agencies in preservation of historic landmarks.
- (4) Suggest sources of funds for preservation and restoration activities and acquisitions, to include federal sources, state sources, private and foundation sources, as well as municipal sources.
- (5) Recommend to the proper agencies incentives designed to encourage historic preservation.

B. The preservation plan shall be presented to the City Planning Commission for consideration and recommendation to the City Council for inclusion in the comprehensive plan of the City. At least every other year the Landmark Commission shall review the preservation plan and the state of preservation of designated historic landmarks, insert in the Landmark Commission minutes a report of such review and take appropriate action on any amendments to the plan deemed necessary. Prior to presenting the preservation plan, or any amendment thereto, to the Planning Commission, the Landmark Commission shall hold a public hearing on the preservation plan or the amendment thereto.

C. The Landmark Commission shall recommend to the City Planning Commission, ordinances designating certain buildings, structures, sites, districts, areas and lands in the City as historic landmarks. The Landmark Commission shall hold a public hearing on all proposed ordinances and the owner of any land included in the proposed ordinance shall be given at least ten (10) days' written notice of the public hearing.

D. Any owner of property may request that the Landmark Commission recommend to the Planning Commission that his or her property be designated as an historic landmark. The Landmark Commission shall render a decision on the owner's request within ninety (90) days after the request is made.

E. If the Landmark Commission finds that buildings, structures, sites, districts, lands or areas cannot be preserved without acquisition, the Landmark Commission shall recommend to the City Council that fee or a lesser interest of the property in question be acquired by gift devise, purchase or otherwise pursuant to the City Charter and State or Federal laws.

F. Where there are conditions under which the required preservation of an historic landmark would cause undue hardship on the owner or owners, use changes may be recommended by the Landmark Commission.

G. The designation of an historic landmark may be amended or removed using the same procedure provided in this article for the original designation.

H. The Landmark Commission shall provide information and counseling to owners of designated historic landmarks.

I. The Planning Commission shall consider any historic landmark designation ordinance after receiving a recommendation from the Landmark Commission.

Sec. 6-126. Exterior Alterations and Changes; Certificate of Appropriateness; Ordinary Repair or Maintenance; Appeal.

No person or entity shall construct, reconstruct, significantly alter, remove or demolish any exterior architectural feature of a designated historic landmark unless application be made to the Landmark Commission for a certificate of appropriateness and such a certificate be granted. As used in this article, the term "exterior architectural feature" shall include, but not be limited to, architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to view from a public way.

(a) Procedure when building permit is required.

(1) When applying for a building permit for the exterior of a designated historic landmark, the applicant shall submit the required number of copies of drawings, plans or other like material sufficient to communicate the nature of the change or alteration to the City Building Official, who shall forward such application to the presiding officer of the Landmark Commission within five (5) days of receipt thereof. Any applicant may appear at a regular or special meeting of the Landmark Commission before submitting an application and may consult with said Commission during the review of the permit application.

(2) The Landmark Commission, upon ten (10) days' written notice to the applicant, shall hold a hearing on the application. Upon review of the application, if the Landmark Commission finds the proposed work of a nature which will not adversely affect any significant architectural or historical feature of the designated historic landmark, and is appropriate and consistent with the spirit and purposes of this article, it shall forward a certificate of appropriateness to the Building Official within thirty (30) days after the hearing and the Building Official shall so advise the applicant within five (5) days after the certificate is received.

(3) If the Commission finds that the proposed work will adversely affect or destroy a significant architectural or historical feature of the exterior of the designated historic landmark or is inappropriate or inconsistent with the spirit and purposes of this article, it shall notify the City Building Official that the application has been disapproved and shall, within thirty (30) days of the public hearing, notify the applicant of the disapproval and of changes in the application which are necessary to approval of same.

(4) If no action has been taken by the Landmark Commission within forty-five (45) days of original receipt by the Landmark Commission, a certificate of appropriateness shall be deemed issued by the Landmark Commission, and the Building Official shall so advise the applicant.

(5) No significant change shall be made in application for any building permit after issuance of a certificate of appropriateness without resubmittal to the Landmark Commission and approval thereof in the same manner as provided above.

(b) Procedure when building permit is not sought.

(1) When, for whatever reason, significant alterations on the exterior of a designated historic landmark are proposed and a City building permit is not sought, request for a certificate of appropriateness shall be submitted in writing directly to the Historic Landmark Commission. Such certificate of appropriateness must be granted before such work may be undertaken. The applicant should include materials sufficient to communicate the nature of

the changes and alterations. Any applicant may appear at a regular or special meeting of the Landmark Commission before submitting an application and may consult with said Commission during the review of the application.

(2) The Landmark Commission, upon ten (10) days' written notice to the applicant, shall hold a hearing on the application. Upon review of the application, if the Landmark Commission finds the proposed work of a nature which will not adversely affect any significant architectural or historical feature of a designated historic landmark and is appropriate and consistent with the spirit and purposes of this article, it shall forward a certificate of appropriateness to the applicant within thirty (30) days of the receipt of said application.

(3) If the Commission finds that the proposed work will adversely affect or destroy any significant architectural or historical feature of the designated historic landmark or is inappropriate or inconsistent with the spirit and purposes of this article, it shall notify the applicant within thirty (30) days of receipt of said application that the application has been disapproved and shall include in such notification the changes necessary to approval of the application.

(4) If no action has been taken by the Landmark Commission within forty-five (45) days of the receipt of the application, a certificate of appropriateness shall be deemed issued by the Landmark Commission.

(5) No significant change in the proposed alterations and changes after the issuance of a certificate of appropriateness may be made without resubmittal to the Landmark Commission and approval thereof in the same manner as provided above.

(c) Ordinary repair or maintenance. Ordinary repair or maintenance which does not involve significant changes to the exterior of architectural or historic value, style or general design is exempt from the provisions of this section.

(d) Appeal. Any applicant or interested person aggrieved by a ruling of the Landmark Commission under the provisions of this section may, within thirty (30) days after notification of the ruling, appeal to the City Council.

Sec. 6-127. Historic Landmarks - Demolition or Removal.

A. If an application is received for demolition or removal of a designated historic landmark, the Building Official shall immediately forward the application to the Landmark Commission. The Landmark Commission shall hold a hearing upon the application within sixty (60) days after the application is initially filed with the Building Official. The applicant shall be given ten (10) days' written notice of the hearing. The Landmark Commission shall consider the state of repair of the building, the reasonableness of the cost of restoration or repair, the existing and/or potential usefulness, including economic usefulness of the building, the purposes behind preserving the structure as an historic landmark, the character of the neighborhood, and all other factors it finds appropriate. If the Landmark Commission determines that in the interest of preserving historical values, the structure should not be demolished or removed, it shall notify the Building Official that the application has been disapproved, and the Building Official shall so advise the applicant within five (5) days therefrom. If the Landmark Commission determines that the interests of preserving historical values will not be adversely affected by such demolition or removal or that the interests of preserving historical values can best be served by

the removal of a structure to another specified location, it shall issue its certificate of demolition or its certificate of removal, as may be appropriate, to the Building Official; and the Building Official shall so advise the applicant within five (5) days therefrom.

B. If no action has been taken by the Landmark Commission within ninety (90) days of original receipt by the Landmark Commission of the application, a certificate of demolition or a certificate of removal shall be deemed issued by the Landmark Commission and the Building Official shall so advise the applicant.

C. After a decision is reached by the Landmark Commission denying an application for a certificate of demolition or a certificate of removal, a resubmittal of application for such a certificate will not be accepted for additional hearing within a twelve-month period from the date of final decision.

D. Any applicant or the owner of any property located within three hundred (300) feet of the site of any landmark who is aggrieved by a ruling of the Landmark Commission concerning the same landmark under the provisions of this section may, within sixty (60) days after the ruling of the Landmark Commission, appeal to the City Council. Following a public hearing to be held within thirty (30) days of the filing of a notice of such appeal with the City Secretary, the City Council may by a simple majority vote, uphold or overturn any ruling of the Landmark Commission made pursuant to this section.

Sec. 6-128. Procedure for Obtaining Building Permit, Demolition Permit and for Altering the Exterior of a Building or Structure During Pendency of Consideration of Such Building or Structure as an Historic Landmark or as Part of an Historic Landmark.

A. From and after the date on which the presiding officer of the Landmark Commission by written order directs that any building, structure, or site within the City be placed upon the agenda for any special or regular meeting of the Landmark Commission or any committee thereof for the purpose of considering or discussing whether or not same should be designated as an historic landmark, or from and after the date of the placement of same upon any such agenda or, if not dated, the date on which such agenda is posted in accordance with the provision of Article 6252-17, V.A.T.C.S., as amended, or from and after the date that the Landmark Commission or any committee thereof approves or recommends a preservation plan or any amendment of any existing preservation plan which embraces or includes same building, structure, or site within the City, whichever date first occurs, no building permit allowing the construction, reconstruction, significant alteration or restoration, removal or demolition of any exterior architectural feature of any building or structure then existing included or embraced in whole or in part within the scope of such written order or such agenda or such preservation plan or such amendment thereof, as the case may be, no permit allowing the removal of all or any part of any such building or structure and no permit allowing the demolition of any part or all of any such building or structure may be issued by any official of the City, nor if no such permit is required or sought, may any person or entity construct, reconstruct, significantly alter or restore, remove or demolish any exterior architectural feature of any such building or structure, until the earliest of the following conditions have been met:

- (1) A final and binding certificate of appropriateness, removal or demolition, as may be appropriate, has been issued by the Landmark Commission.
- (2) The Landmark Commission fails to recommend that some part or all of such building or structure be designated

an historic landmark or be included within an historic landmark or within a preservation plan or an amendment thereof within ninety (90) days following the earliest of the above described dates activating this section applicable under the circumstances; or,

- (3) A final and binding decision has been made by the City Council that no part of any such building or structure shall be designated an historic landmark or shall be included within an historic landmark at or before the second regularly scheduled City Council meeting subsequent to the presentation to the City Council of a request for such a decision.

B. It shall be the duty of the City of Bryan and its officers to furnish the Building Official with a copy or written notice of each such written order or such agenda or such preservation plan or amendment thereof, as the case may be, as promptly after the preparation thereof as is practicable. The failure to so furnish the Building Official with a copy or written notice thereof, however, shall not have the effect of validating any building permit, removal permit or demolition permit issued in ignorance of any such written order or agenda. In any instance in which any such permit may not be required, it shall be the duty of the Landmark Commission and its officers to give notice of any such written order or such agenda or such preservation plan or amendment thereof to the owner or owners of any building or structure included within the scope thereof, which notice shall be deemed complete when actually given, orally or in writing, to such owner or owners, or when written notice thereof is deposited in the United States mail, postage prepaid, certified or registered, with return receipt requested, addressed to such owner or owners, whichever event first occurs. No person or entity to whom such permit is issued or who, if no such permit is required, commences to construct, reconstruct, significantly alter or restore, remove or demolish any exterior architectural feature of any such building or structure without actual or constructive notice of any such written order, or such agenda, or such preservation plan or amendment thereof, as the case may be, as required by the provision of this subsection, may be found guilty of a misdemeanor as provided in this article, but each such person or entity shall be amenable to the civil sanctions provided for by this article.

C. Any permit issued to any person or entity from or after the date of any such written order, or such agenda, or the approval or recommendation of such preservation plan or amendment thereof, as the case may be, shall be null, void and of no force or effect until the earliest of the events described in subparagraphs (1), (2), and (3) of subsection A next above occur.

Sec. 6-129. Same - Omission of Necessary Repairs.

A. Designated historic landmarks shall be maintained to insure the structural soundness of such landmark.

B. If a Building Inspector and/or the Historic Landmark Commission finds that there are reasonable grounds to believe that a designated historic landmark is structurally unsound or in imminent danger of becoming structurally unsound, the Building Inspector shall notify in writing the owner of record of the designated historic landmark of such fact.

C. Upon the giving of ten (10) days' written notice to the owner of record of such designated historic landmark, the Building Standards Committee shall hold a public hearing to determine if the designated historic building is structurally unsound or in imminent danger of becoming structurally unsound.

The Building Standards Committee shall request a report and consider recommendation from the Landmark Commission. The Landmark Commission's report may include evidence of economic hardship or willful neglect.

D. At the conclusion of the hearing, if the Building Standards Committee finds that the designated historic building is structurally unsound or in danger of so becoming shall, within ninety (90) days of receipt of such notice, satisfy the Building Standards Committee that reasonable necessary repairs to safeguard the structural soundness of the landmark have been effected.

E. If the Building Standards Committee determines that the building is structurally unsound but there are valid reasons why the owner cannot or should not undertake to safeguard the structural soundness of the building, it shall forward to the City Council its recommendation, with the recommendation of the Landmark Commission, as to what action, if any, should be taken on the structure.

F. Any applicant or interested person aggrieved by a ruling of the Landmark Commission or the Building Standards Committee under the provisions of this section may, within thirty (30) days after the ruling, appeal to the City Council.

Sec. 6-130. Penalty.

A. It shall be unlawful to construct, reconstruct, significantly alter or restore, demolish any building or structure in an historic landmark designation in violation of the provisions of this article. The City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful construction, reconstruction, significant alteration or demolition, to restrain, correct, or abate such violation, to prevent any illegal act, business, or maintenance in and about such premises, including acquisition of the property.

B. Any person, firm or corporation violating any provision of this article shall be guilty of a misdemeanor, and shall be deemed guilty of a separate offense for each day or portion thereof during which any violation hereof is committed, continues or is permitted, and upon conviction of any such violation shall be punishable by a fine not to exceed two hundred dollars (\$200) per offense.

Sec. 6-131. Notice.

Any notice required to be given under this article, if not actually delivered, shall be given by depositing the same in the United States mail, postage prepaid, addressed to the person or entity to whom such notice is to be given to an owner or owners of property, such notice, delivered or mailed by certified or registered mail, may be addressed to such owner or owners who have rendered their said property for City taxes as the ownership appears on the last approved City tax roll.

Secs. 6-132--6-140. Reserved.

- (6) Any proposed restrictions of activities on and uses of property within the proposed historic district.
- (7) At such time that the proposed district is created, the above information is to be collected on each building, structure, site, area, or land within the district indicated on the boundary map as being of importance or value.
- (8) Consent in writing of seventy-five percent (75%) or more of the landowners who have property which lies within the proposed historic district.
- (9) Consider the effect of the proposed district on existing and proposed utilities, streets, and other public improvements.

B. Applications to increase the boundaries of an historic district may be made if one or more of the following conditions are met:

- (1) When buildings, structures, sites, areas or lands of importance or value are related to the district and are requested by their owner for inclusion.
- (2) When facts previously undisclosed to or unknown by the Landmark Commission are revealed which indicate that a particular building or site is possessed of special architectural, cultural or historic importance or value.

C. Applications to reduce the boundaries of an historic district may be made when one or more of the following conditions have been met:

- (1) When it can be shown that a particular building, structure, site, area, or land has no historic, architectural or cultural importance or value to the viability of the district and where its location is such as not to detract from the district by its exclusion.
- (2) When exclusion of buildings, structures, sites, areas or lands is necessary for major new development that would support either the architectural, historical, archeological, or cultural character or economic viability of the district, provided such development does not detract from the district and the purposes of historic preservation.
- (3) When it can be shown that no degradation of the district either physical, historical, architectural, archeological or cultural will result from exclusion of property from the district.

D. Applications for inclusion or exclusion for property may be made when either continued exclusion or inclusion of property within the district would render it an economic hardship for reasonable continuation in its present exterior form. In order to establish such economic hardship, the owner must show that no reasonable alternative use exists which allows the exterior of the building to remain in its original style. In evaluating economic return, the Landmark Commission may request the owner to document the value, rents, returns, tax burden, and/or contracts, pertaining to the property.

Sec. 6-145. Criteria for Designation of Historic Districts.

In evaluating applications for historic districts, the Historic Landmark Commission shall consider Sections 6-123 and

6-144 of this article. If the Historic Landmark Commission recommends the establishment of an historic district or districts, it shall cause to be prepared an Historic District Designation Ordinance which shall contain, but shall not be limited to, the following:

- (a) A statement of purpose, setting forth the Commission's reasons for recommending designation of the district;
- (b) A legal description of the boundaries of the district;
- (c) Findings that support the criteria required in Sections 6-123 and 6-144 of this article, if applicable, that establish the particular importance or value of the district;
- (d) Recommendations for the protection and preservation of the district referred to herein as District Preservation Plan.

Sec. 6-146. District Preservation Plan.

The District Preservation Plan shall include but shall not be limited to the following:

- (a) Classification of Uses. The Commission may examine the uses existing within the district in terms of their individual and continued effect upon the character, safety, economic and physical impact of the district and may recommend alterations in or additions to any existing regulations.
- (b) Building Code Regulations. The Commission may review and recommend any amendments to the building regulations it feels necessary to preserve the architectural and historic integrity and authenticity of structures within each such district.
- (c) Sign Regulations. The Commission may recommend sign regulations for each such district concerning size, location, type and construction it feels appropriate.
- (d) Parking Regulations. The Commission may review the parking regulations in existence in the district and recommend any changes in numbers or location of on-street and off-street parking requirements it feels necessary to enhance the district. It shall review the adequacy of parking facilities in or affecting the district and may offer recommendations for such public and/or private parking lots, garages or structures it deems to be in the best overall interest of the district.
- (e) Architectural Regulations. As a guide for those seeking a Certificate of Appropriateness pursuant to Section 6-128, the Historic Landmark Commission may, in keeping with the significant architectural, historic, or cultural elements of each such district recommend regulations affecting the exterior of the building, including, but not limited to, the following:
 - (1) Acceptable materials for new construction such as stucco, masonry, metal and glass curtain;
 - (2) Appropriate architectural character, scale and detail for new construction;
 - (3) Acceptable appurtenances to new and existing structures such as gables, parapets, balconies and dormers;

- (4) Acceptable accessories on new or existing structures such as light fixtures, gas lights, canopies, exterior carpentry, banners, flags and projections, fences, if any;
- (5) Acceptable textures and ornamentation such as paint colors and types, use of wood, stone, metal, plaster, plastics and other man-made materials, use of shutters, wrought iron, cast iron, finishes of metal, colors of glass, such as silver, gold, bronze, smoke, and other details or architectural ornamentation;
- (6) Such other building regulations which would have impact on either new or existing buildings such as wiring, firewalls, sprinklers, use of flammable materials, requirements for fire escapes, multiple entrances and exits, and other exterior features.
- (7) For those properties which are sites, areas, lands, buildings, structure or vacant lots which are not of historical, architectural, or cultural importance or value, development or redevelopment shall be in accordance with the Historic District Preservation Plan as to materials, scale and detail, appurtenances, textures, ornamentation and accessories, and shall comply with existing regulations.

Sec. 6-147. Administrative Requirements of Landmark Commission.

A. When the Historic Landmark Commission considers an area as a possible historical district, it shall, prior to rendering its final recommendation and report, submit its report, including the District Preservation Plan or a proposed ordinance amendment to all City departments, boards and commissions and other public agencies directly affected.

B. In addition, it shall, and prior to rendering its final recommendation, make the plan available to the landowners in the proposed district. In the event the area under consideration has established an historic district committee, the Commission may include the comments of such committee in its final report. If appropriate and desired, the Commission should recommend that the City Council adopt the restrictions to assure that future public investment complies with the terms of the district.

Sec. 6-148. Changes in Provisions Herein.

Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed with approval of the City Council.

Secs. 6-149--6-160. Reserved.

2.

That if any section, paragraph, sentence, clause, phrase or word of this ordinance shall be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

3.

That the City Secretary is directed to publish this ordinance in some newspaper of general circulation in the City of Bryan once a week for two consecutive weeks in compliance with the provisions of Section 9 of the City Charter.

4.

That this ordinance shall become effective from and after its passage and publication as required by law.

PRESENTED AND GIVEN first reading the 9th day of March, 1981, at a Regular meeting of the City Council of the City of Bryan, Texas; and given second reading, passed and approved on the 23rd day of March, 1981, by a vote of 5 ayes and 0 nays at a Regular meeting of the City Council of the City of Bryan, Texas.

Richard A. Smith
Richard A. Smith, Mayor

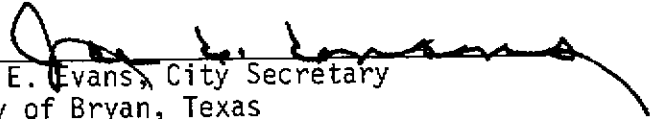
ATTEST:

Joe E. Evans
Joe E. Evans, City Secretary

APPROVED AS TO FORM:

Larry A. Catlin
Larry A. Catlin
Acting City Attorney

I, JOE E. EVANS, City Secretary of the City of Bryan, Texas, do hereby certify that the attached Ordinance #415 was published in The Eagle, a newspaper of general circulation in the City of Bryan, in the manner and as provided by the laws of the State of Texas and in the Charter of the City of Bryan; said publication being on the 29th day of March, A.D. 1981, and the 5th day of April, 1981.


Joe E. Evans, City Secretary
City of Bryan, Texas

(SEAL)

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF BRAZOS

On this 23 day of April, 19 81, personally, appeared before me, the undersigned,

a Notary Public in and for said county and state, Linda Corgey, bookkeeper

of THE EAGLE, a newspaper published at Bryan, County of Brazos, State of Texas, who, being by me duly sworn, on
oath, states that: ordinance amending chap. 6

was published in said newspaper in 2 issues thereof on the following dates

March 29 & April 5, 1981

Subscribed and sworn to before me, this the 23 day of April, 19 81.

Linda Corgey

Spria Morales
Notary Public, Brazos County, Texas

8 1001-417
62.10

ORDINANCE NUMBER

Due to the length of this ordinance consisting of 14 legal size pages, the entire context of the ordinance is not included in this publication. This ordinance is on file with the City Secretary and is available for inspection at his office in the Bryan Utilities Building.

The caption, penalty provision and effective date of this ordinance are as follows:

AN ORDINANCE AMENDING CHAPTER 6, BUILDINGS AND STRUCTURES, OF THE BRYAN CITY CODE OF 1975, BY ADDING ARTICLE IX, HISTORICAL PRESERVATION, PROVIDING DEFINITIONS, PROVIDING FOR DESIGNATION OF HISTORIC LANDMARKS; PROVIDING FOR CREATION AND FUNCTIONS OF HISTORIC LANDMARK COMMISSION; PROVIDING PROCEDURE FOR ALTERATION, CHANGES, DEMOLITION OR REMOVAL OF HISTORIC LANDMARK; PROVIDING FOR APPEAL PROCESSES; PROVIDING FOR ESTABLISHMENT OF HISTORIC DISTRICTS; PROVIDING PROCEDURE FOR APPLICATIONS FOR DISTRICTS AND CRITERIA FOR EVALUATING DISTRICTS; PROVIDING FOR A DISTRICT PRESERVATION PLAN; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.
Sec. 6-130. Penalty.

1.
A. It shall be unlawful to construct, reconstruct, significantly alter or restore, demolish any building or structure in an historic landmark designation in violation of the provisions of this article. The City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful construction, reconstruction, significant alteration or demolition, to restrain, correct, or abate such violation, to prevent any illegal act, business, or maintenance in and about such premises, including acquisition of the property.

B. Any person, firm or corporation violating any provision of this article shall be guilty of a misdemeanor, and shall be deemed guilty of a separate offense for each day or portion thereof during which any violation hereof is committed, continues or is permitted, and upon conviction of any such violation shall be punishable by a fine not to exceed two hundred dollars (\$200) per offense.

4.
That this ordinance shall become effective from and after its passage and publication as required by law.

Joe E. Evans
City Secretary
City of Bryan

4-5-81

ORDINANCE NUMBER

415
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4.
That this ordinance shall become effective from and after its passage and publication as required by law.

Joe E. Evans
City Secretary
City of Bryan

3-29-81